
STATUTORY INSTRUMENTS

2002 No. 1998

The Wye Navigation Order 2002

PART II

GENERAL PROVISIONS IN RELATION TO RIVERS

Wye Navigation Advisory Committee

3.—(1) The Agency shall establish a body, to be known as the Wye Navigation Advisory Committee (in this article, referred to as “the Committee”), to advise the Agency on the navigation and use of the rivers.

(2) Subject to paragraph (3), the Committee shall consist of a maximum of 23 persons appointed by the Agency of whom—

- (a) one, to represent the owners and operators of pleasure craft available for hire, shall be nominated by the Symonds Yat Boatman’s Organisation;
- (b) one, to represent outdoor adventure centres, shall be nominated by the Council for Outdoor Education, Training and Recreation;
- (c) one, to represent general recreational motor-boating interests, shall be nominated by the Inland Waterways Association;
- (d) one, to represent canoeists on the upper rivers and their tributaries, shall be nominated by the Welsh Canoeing Association;
- (e) one, to represent canoeists on the principal rivers and their tributaries, shall be nominated by the British Canoe Union;
- (f) one, to represent rafters, shall be nominated by the Committee for Herefordshire Amateur Rafters;
- (g) one, to represent rowers, shall be nominated jointly by the Ross, Monmouth and Hereford Rowing Clubs;
- (h) one, to represent anglers, shall be nominated jointly by the Salmon and Trout Association and the National Federation of Anglers;
- (i) one, to represent fishery owners, shall be nominated by the Wye Salmon Fishery Owners Association;
- (j) one, to represent riparian owners on the principal rivers and their tributaries, shall be nominated by the Country Land and Business Association;
- (k) one, to represent riparian owners on the upper rivers and their tributaries, shall be nominated by the Country Land and Business Association (Wales);
- (l) one, to represent wildlife and conservation groups, shall be nominated jointly by the Radnorshire Wildlife Trust, the Brecknock Wildlife Trust, the Gwent Wildlife Trust, the Herefordshire Nature Trust and the Montgomeryshire Wildlife Trust;

- (m) one, to represent the interests of the Wye Valley Area of Outstanding Natural Beauty, shall be nominated by the Wye Valley Area of Outstanding Natural Beauty Joint Advisory Committee;
- (n) one, to represent local interests, shall be nominated by the County of Herefordshire District Council following consultation with the relevant parish councils within its boundaries;
- (o) one, to represent local interests, shall be nominated by Gloucestershire County Council following consultation with the relevant parish councils within its boundaries;
- (p) one, to represent local interests, shall be nominated by the Forest of Dean District Council following consultation with the relevant parish councils within its boundaries;
- (q) one, to represent local interests, shall be nominated by Monmouthshire County Council following consultation with the relevant community councils within its boundaries;
- (r) one, to represent local interests, shall be nominated by Powys County Council following consultation with the relevant community councils within its boundaries;
- (s) one shall be nominated by the Countryside Council for Wales;
- (t) one shall be nominated by the Nature Conservancy Council for England;
- (u) one shall be nominated jointly by Sport England and the Sports Council for Wales;
- (v) one shall be the Chairman from time to time of the body known as the Wye Management Advisory Group; and
- (w) one shall be a person independent of the Agency's interests and appointed on the Agency's own nomination.

(3) If it appears to the Agency in the case of any of the appointments referred to in paragraphs (2)(a) to (u) that the body on whose nomination the appointment is to be made has refused or failed to nominate a member within a reasonable time after being requested by the Agency to do so or if the body on whose nomination any of the said appointments is to be made has ceased to have an identifiable existence, the appointment in question shall be made by the Agency as it considers appropriate after consultation with such persons (if any) appearing to the Agency to be representative of the interests represented, or formerly represented, by the nominating body specified in the relevant sub-paragraph.

(4) If it appears to the Agency following consultation pursuant to paragraph (3) that the interest formerly represented by the nominating body specified in the relevant sub-paragraph has ceased to have an interest in the navigation or use of—

- (a) the rivers, or
 - (b) where the relevant sub-paragraph specifies part only of the rivers, that part of the rivers,
- the Agency shall not be obliged to make any appointment under that sub-paragraph.

(5) The Agency shall, except in a case of special urgency where it is not reasonably practicable to do so, consult the Committee on all matters substantially affecting the navigation and use of the rivers and particularly—

- (a) on proposals—
 - (i) to construct or license works in the principal rivers; or
 - (ii) to lay down, alter or interfere with moorings in those rivers, where they may have such a substantial effect;
- (b) on proposals to impose or vary any charges or fees relating to the principal rivers; and
- (c) on proposals to make byelaws relating to the rivers.

(6) In consulting the Committee pursuant to paragraph (5) the Agency shall allow a reasonable time (being not less than 28 days) for the Committee to meet and report back to it.

(7) The Agency shall seek advice from the Committee in relation to the preparation and publication of the Wye Navigation Plan under article 4 and any subsequent review and variation of that plan.

(8) The Committee shall provide the Agency with the advice sought in connection with the Wye Navigation Plan within a reasonable period of the request for the advice in question being made.

(9) The Committee may at any time make representations or recommendations in relation to, or refer to the Agency, any matter affecting the navigation or use of the rivers whether or not the Committee has been consulted on the matter.

(10) The Agency shall take into consideration any matter, recommendation or representation which may from time to time be referred or made to it by the Committee, whether or not the Committee has been consulted on the matter, recommendation or representation so referred or made.

(11) When so requested by the Committee, the Agency shall give its reasons in writing to the Committee for disagreeing with any recommendation or representation of the Committee.

(12) The Agency shall provide the Committee with accommodation and pay all its reasonable secretarial and administration costs.

(13) Schedule 1 shall have effect in relation to terms of office of members of the Committee, its meetings and proceedings, and casual vacancies in its membership.

(14) References in paragraph (2) to the relevant parish councils and the relevant community councils are references to those parish and community councils through whose areas, or along whose boundaries, the rivers flow.

Wye Navigation Plan

4.—(1) The Agency shall, before the end of the period of 3 years beginning with the date of the coming into force of this Order, prepare and publish a plan (to be known as the Wye Navigation Plan) setting out its policy with respect to—

- (a) the exercise of its functions under or by virtue of Parts III and IV of this Order in relation to the principal rivers; and
- (b) the making of any byelaws in relation to the upper rivers and the tributaries under paragraph 1 of Schedule 25 to the Water Resources Act 1991, as modified by article 32.

(2) The Agency shall review the Wye Navigation Plan at least once in every 5 years.

(3) If, as a result of any such review, the Agency is of the opinion that it is appropriate to vary the Wye Navigation Plan, it may do so in such manner as it thinks fit.

(4) The Agency shall publish a report on the result of any review carried out under this article and the report shall set out the variations (if any) which the Agency has made following the review.

(5) Before preparing or varying the Wye Navigation Plan the Agency shall—

- (a) publish a draft of its proposals; and
- (b) consult the Wye Navigation Advisory Committee and such persons and other bodies as appear to it to represent interests likely to be concerned.

(6) The Wye Navigation Plan may form a part of any other plan or similar document which is from time to time prepared and published by the Agency pursuant to its functions under any other enactment.